

EXHIBIT B

Highly Confidential

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

---o0o---

ORACLE AMERICA, INC.,)
Plaintiff,)
vs.) No. CV 10-03561 WHA
GOOGLE, INC.,)
Defendant.)
_____)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
VIDEOTAPED DEPOSITION OF MARK REINHOLD
WEDNESDAY, FEBRUARY 15, 2012

PAGES 1 - 110

Highly Confidential

Page 40

1 A It added no value. 10:34:44AM

2 Q Did you consider any -- strike that.

3 In the course of ranking the technology
4 groups, did you consider any literature regarding
5 the importance of certain features to consumers of
6 the mobile smartphone platform?

10:35:03AM

7 A No.

8 Q In coming up with the ranking of the
9 technology groups, did you rely on any quantitative
10 testing of performance aspects of the mobile
11 smartphone platform?

10:35:20AM

12 A No.

13 Q Is there any quantitative aspect to the
14 ranking of the technology groups? And by that I
15 mean how much more valuable, for instance, is Group
16 1 than Group 2?

10:35:30AM

17 MR. HOLTZMAN: Objection; form.

18 THE WITNESS: We did not do any kind of
19 quantitative analysis to compare the groups. It was
20 qualitative based on our collective experience.

10:36:00AM

21 BY MR. PURCELL:

22 Q As you sit here today, do you have any
23 opinion as to how quantitatively the various groups
24 in the ranking would compare to one another?

25 A Do you mean quantitatively -- in what

10:36:18AM

Highly Confidential

Page 41

1 sense do you mean the word --

10:36:21AM

2 Q I can ask it more precisely.

3 As you sit here today, do you have any
4 opinion as to how much more valuable in terms of a
5 percentage Group 1 would be than Group 2?

10:36:27AM

6 MR. HOLTZMAN: Objection; form.

7 THE WITNESS: So our direction was not to
8 be making, you know, value judgments. We were
9 making technical judgments.

10 BY MR. PURCELL:

10:36:45AM

11 Q And I -- I understand the limits of your
12 direction. But as you sit here today as an
13 experienced engineer, do you have any opinion in
14 quantitative terms as to how much more valuable
15 Group 1 in your ranking is than Group 2?

10:36:55AM

16 MR. HOLTZMAN: Objection; form.

17 THE WITNESS: I do not have a quantitative
18 opinion, only a qualitative one.

19 BY MR. PURCELL:

20 Q Would you be able to develop a
21 quantitative opinion?

10:37:06AM

22 A Well, given sufficient time.

23 Q What would you need to do in order to
24 develop a quantitative opinion regarding the
25 comparative value of the groups within your ranking?

10:37:18AM

Highly Confidential

Page 42

1 MR. HOLTZMAN: Objection; form.

10:37:22AM

2 THE WITNESS: Would have to sit down and

3 assemble various bits of code and do some

4 experiments, take measurements and so forth. But

5 even then, I think -- I'm not sure it's actually

10:37:32AM

6 possible to come up with a comprehensive

7 quantitative understanding of these, because you're

8 basically asking for an exploration -- an

9 exploration of a very large technical design space

10 in which many different kinds of choices can be

10:37:53AM

11 made. So I think it would be quite difficult to do.

12 BY MR. PURCELL:

13 Q I was asking about a comparison of Group 1

14 versus Group 2.

15 Are you able to provide any quantitative

10:38:09AM

16 comparison of the value of Group 1 versus the value

17 of one of the groups tied for 16th?

18 MR. HOLTZMAN: Objection; form.

19 THE WITNESS: So we did no quantitative

20 analysis.

10:38:26AM

21 BY MR. PURCELL:

22 Q As you sit here today, do you have any

23 sense whether the patents in Group 1 are twice as

24 valuable, five times as valuable, 100 times as

25 valuable as the patents in the least valuable

10:38:39AM

Highly Confidential

Page 43

1 groups?

10:38:41AM

2 MR. HOLTZMAN: Objection; form.

3 THE WITNESS: So insofar as we did value
4 judgments, they are reflected in the overall rank.

5 You can look at this table and groups that are tied
6 for 16th, you know, we didn't think any of those
7 were -- were important enough to rank them highly on

10:38:51AM

8 speed, startup, footprint or security, so that's a
9 qualitative judgment. That's really all I have to

10 say.

10:39:12AM

11 BY MR. PURCELL:

12 Q So there is no quantitative judgment that
13 you're able to make comparing the value of different
14 groups?

15 MR. HOLTZMAN: Objection; form.

10:39:21AM

16 THE WITNESS: If by "quantitative," you
17 mean a judgment backed up by hard data based on
18 measurements, no, we did not do such experiments.

19 BY MR. PURCELL:

20 Q And you would need hard data backed up by
21 experiments in order to make a quantitative
22 assessment of the value of the relevant technology
23 groups?

10:39:30AM

24 MR. HOLTZMAN: Objection; form.

25 THE WITNESS: Correct.

10:39:39AM

Highly Confidential

Page 47

1 order of magnitude, at least amongst this group, 10:43:41AM
2 usually means at least a factor of 2, not
3 necessarily a factor of 10.

4 Q And so a 2 ranked patent would be a patent
5 that would contribute a performance improvement 10:43:54AM
6 below a factor of 2?

7 A Correct. Ballpark there would be, you
8 know, at least 10 or 20 percent.

9 Q In determining which of the patents would
10 enable an order of magnitude improvement versus not, 10:44:15AM
11 did you rely on any performance testing?

12 A No.

13 Q Did you rely on any kind of quantitative
14 testing at all?

15 A No. 10:44:26AM

16 Q What was the basis for determining whether
17 a patent would contribute an order of magnitude
18 performance improvement?

19 A The collective experience of these five
20 engineers. 10:44:38AM

21 Q Talking a little bit about the four other
22 engineers on the team, who was it who selected those
23 four engineers to assist you?

24 A My recollection is they were -- they were
25 originally suggested by counsel, and when those 10:45:14AM

Highly Confidential

Page 96

1 THE WITNESS: One could develop a 12:13:41PM
2 quantitative assessment. It would take time.

3 BY MR. PURCELL:

4 Q And you haven't done that, as you sit here
5 today, correct? 12:13:47PM

6 A Correct.

7 Q So if I were to ask you today how much
8 more valuable the boot group patents were in terms
9 of a percentage than the JIT group patents, could
10 you give me a quantitative answer to that? 12:13:58PM

11 A No. I should say even a quantitative
12 answer based on experiment, it's not clear that it
13 would be persuasive.

14 Q Why not?

15 A Amongst these patents, we're talking -- 12:14:16PM
16 we're looking at a fairly complex technical design
17 space in which different choices can be made. As it
18 turns out, there are patents even amongst these top
19 22 where one would probably choose either one or the
20 other and not both, at least not in the near term. 12:14:37PM

21 Q Can you think of any particular groups of
22 patents among the top 22 where a prospective user
23 would choose to use one or the other but not both?

24 A So within the boot group, there are good
25 examples right there. The patents listing an 12:15:00PM

Highly Confidential

Page 97

1 inventor of Gregorz Czajkowski are primarily about 12:15:05PM
2 the MVM technology we discussed earlier.

3 The patents with inventor Nedim Fresko are
4 about the mtask technology.

5 In the context of a hypothetical 12:15:22PM
6 smartphone platform in 2006, one would have -- one
7 would have chosen one or the other but not both. In
8 the long-term evolution of such a platform, one
9 might eventually want both but not at the beginning.

10 Q With respect to the 12 patents rated 12:15:48PM
11 number 1 in the JIT group, are there any of those
12 where a prospective user would have chosen to use
13 one or the other but not both?

14 A Amongst the JIT group, there are some
15 patents there that one almost certainly would not 12:16:04PM
16 have used in the year 2006 or 2007 because they are
17 generally only of benefit when you have a faster
18 processor or more than one processor core. But
19 later on, in the hypothetical lifetime of a
20 Sun/Google cooperatively developed platform, those 12:16:27PM
21 would have been useful later on.

22 Q So from the perspective of somebody in
23 2006, they might not have thought those patents were
24 useful at the present time but might have seen five
25 years down the line those patents actually having 12:16:44PM

Highly Confidential

Page 105

1 versus qualitative assessments.

12:25:16PM

2 Does the absence of any quantitative
3 assessments on your part, in your mind, affect the
4 validity or reliability of what you did?

5 MR. PURCELL: Object to the form.

12:25:27PM

6 THE WITNESS: No.

7 BY MR. HOLTZMAN:

8 Q Why not?

9 A So these qualitative assessments were made
10 collectively by this group of highly experienced
11 engineers. As I said earlier, we have amongst us
12 more than 75 years of experience working in these
13 areas. I'm confident that the judgments we've made
14 are the best that possibly could be made given the
15 time limits of the exercise.

12:25:35PM

12:25:58PM

16 As I've suggested earlier, I also think a
17 quantitative analysis that would somehow rank all of
18 these patents in linear order from 1 to 569 is
19 actually intellectually infeasible because of all
20 the different choices amongst these very patents
21 that one could make.

12:26:19PM

22 MR. HOLTZMAN: Okay. Thanks. That's all
23 I have.

24 MR. PURCELL: Nothing further.

25 THE VIDEOGRAPHER: This is the end of

12:26:30PM

Highly Confidential

Page 107

1 STATE OF CALIFORNIA)
) :ss

2 COUNTY OF SAN FRANCISCO)
3

4 I, KELLI COMBS, CSR NO. 7705, a Certified Shorthand
5 Reporter of the State of California, do hereby certify:

6 That the foregoing proceedings were taken before me
7 at the time and place herein set forth; that any
8 witnesses in the foregoing proceedings, prior to
9 testifying, were placed under oath; that the verbatim
10 record of the proceedings was made by me using machine
11 shorthand which was thereafter transcribed under my
12 direction; further, that the foregoing is an accurate
13 transcription thereof.

14 I further certify that I am neither financially
15 interested in the action nor a relative or employee of
16 any attorney of any of the parties.

17 IN WITNESS WHEREOF, I have this date subscribed my
18 name.

19
20 Dated: _____
21

22
23 _____
24 KELLI COMBS, CSR NO. 7705
25